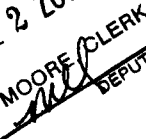


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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

TROY MERCADEL (DOC#113961)

DOCKET NO. 09-CV-0079; SEC. P

VERSUS

JUDGE DEE D. DRELL

CORRECTIONS CORPORATION
OF AMERICA, ET AL.

MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after a de novo review of the record, including the objections filed by the plaintiff, we have determined that the findings and recommendation are correct under the applicable law.

Additionally, we note that the record here shows the Complaint was originally filed in the Middle District on January 12, 2009. The hand-signed Complaint from Mr. Mercadel indicates it is dated December 31, 2008. The alleged date of the incident in this case is July 10, 2007.

In civil rights cases, federal courts have adopted and follow the suit limitations rules of the state wherein the claim arose. In Louisiana, that time period is one year. Thus, here, at the latest, suit would have to have been filed on or before July 10, 2008 to be timely. Given that this suit could not, according to the record, have been filed before December 31, 2008, we would be

compelled to dismiss this action even if all of the bases stated in the Report and Recommendation were incorrect, which they are not. Accordingly,

IT IS ORDERED that Plaintiff's civil rights complaint be and is hereby **DENIED** and **DISMISSED WITH PREJUDICE** as frivolous and failing to state a claim for which relief can be granted, pursuant to 28 U.S.C. §1915(e)(2)(b).

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 11th
day of June, 2009.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', written over a horizontal line.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE